IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 8530 of 2006(M)

AGAINST THE ORDER DATED IN EP.NO.304/2005 IN OS.39/2001 OF MUNSIFF COURT, PARAVUR.

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PETITIONER:

SIVAN, S/O. VEETTIL GOVINDAN,
AGED 70 YEARS, KAITHARA KARA, KOTTUVALLY VILLAGE,
NORTH PARUR.

BY ADV. SRI.P.RADHAKRISHNAN,
SRI.MADHU RADHAKRISHNAN,
SRI.BENOJ C AUGUSTIN.

RESPONDENT:

JOY, S/O. KALIYANDI VARKEY,
KAITHARAM KARA, KOTTUVALLY VILLAGE, NORTH PARUR.

BY ADV. SRI.S.B.PREMACHANDRA PRABHU,
SRI.K.K.MOHINUDHEEN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.8530/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE EXECUTION PETITION 304/2005 ALONG WITH THE AFFIDAVIT.

EXT.P.2: COPY OF THE COUNTER AFFIDAVIT FILED BY THE PETITIONER.

EXT.P.3: COPY OF THE E.A. 11/2006.

EXT.P.4: COPY OF THE E.A. 93/2006.

//TRUE COPY//

prv.

PIUS C. KURIAKOSE, J.

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W.P.(C)No.8530 OF 2006

.....

DATED THIS THE 3rd JULY, 2007

J U D G M E N T

The learned counsel for the petitioner submits that there is a likelihood of the issue between the parties having been settled by now. Counsel sought time to check up the matter with the party. I do not think that the same is necessary.

2. In this Writ Petition under Article 227 of the Constitution, the petitioner challenges the order passed by the court below on an application seeking review of an earlier order directing warrant for the arrest of the petitioner. While admitting this Writ Petition, this Court became to inclined to grant stay only on condition that the petitioner deposits 50% of the decree-debt. The court below will verify whether payment as ordered by this Court was made by the petitioner. If it is seen on verification that the payment has been made, the court below will hold up further execution proceedings for six more weeks from today and it is open to the petitioner to sort out the issue with the respondent during that period. At any rate, the stay order will not continue beyond six weeks.

The Writ Petition is disposed of as above.

tgl **(PIUS C.KURIAKOSE, JUDGE)**